

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

THE APPLICATION OF:

ROBERT JOHN BARSOTTI ET. AL.

CASE NO.: FA0820USDIV

SERIAL NO.: 10/673831

GROUP ART UNIT: 1711

FILED: SEPTEMBER 29, 2003

EXAMINER: JEFFREY C. MULLIS

FOR: COATING COMPOSITIONS CONTAINING ISOCYANATE-FUNCTIONAL  
NON-AQUEOUS DISPERSED POLYMERS

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**NOTICE OF INFORMAL APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Introductory Comments**

This is Applicants' response to the Office communication received on October 9, 2006, having a mailing date of October 02, 2006, for which no period for response was set.

**I. The Office Communication:**

**A. Substance of Communication**

Applicants received a 3-page Notice of Informal Application (**Exhibit A**), advising that the above-referenced application does not comply with the regulations. Applicants are advised that a new oath or declaration, identifying the application number is required. The Notice further advises

“[ t]he oath or declaration does not comply with 37 C.F.R. 1.63 in that it:

- a. does not identify the residence of each inventor;
- b. does not identify the complete mailing address or post office address of each inventor.
- c. Proof of authority of legal representative under 37 C.F.R. 1.44.”

**B. Mail Date Discrepancy**

Applicants also point out that the actual Notice indicates the “Date Mailed” as January 5, 2004, but is attached to PTO-90C cover sheet indicating a mail date of October 2, 2006.

Applicants received this document (according to date stamp) on October 9, 2006 (See Exhibit A). Applicants' records do not indicate prior receipt of the Notice of Informal Application on or near January 5, 2004.

#### C. Time Limit to Respond

Further, Applicants are unclear as to the time limit to respond to the October 9, 2006 Notice respond. Applicants received the Notice of Informal Application on October 9, 2006.

However, the date indicated on the Notice is January 5, 2004. Applicants request that the instant response, and any fees necessary, are accepted as a bona fide attempt to comply with the Notice.

## **II. Applicants Have Complied with the Requirement to file a Declaration**

Applicants filed a declaration (**Exhibit B**) on September 29, 2003, accompanied by an Application Data Sheet (ADS) (**Exhibit C**), as indicated by the post card receipt (**Exhibit D**) that was returned to Applicants from the USPTO. Applicants have complied with each part of the Declaration requirement as set forth in 37 C.F.R. 1.63; as follows:

For 37 CFR 1.63(a)(1): each inventor in the parent case, including the now deceased inventor, executed a declaration (see "Declaration (37 CFR 1.63) For Utility or Design Application Using an Application Data Sheet (37 CFR 1.76)" attached hereto, as filed on September 29, 2003 (hereinafter "the filed Declaration");

For 37 CFR 1.63 (a)(2): each inventor in the filed Declaration is identified by name in accordance the regulations;

For 37 CFR 1.63 (a)(3): each inventor has identified their country of citizenship; and

For 37 CFR 1.63 (a)(4): the filed Declaration includes a statement that each person making the declaration believes themselves to be the original and first inventors of the claimed subject matter and for which a patent is sought.

With respect to 37 CFR 1.63, part (b) the filed Declaration identifies the application, which is the parent case of the instant divisional application, as permitted under 37 CFR 1.63(d) and includes the statement required. Applicant further acknowledges that one named inventor, Christopher Scopazzi, is now deceased, as indicated in the new ADS presented with the filed Declaration.

**Applicants' Response to the Notice; ADS Submitted Herewith**

Applicants' Notice requests compliance with 37 CFR 1.44, is now a reserved regulation (effective September 8, 2000), providing no direction. Applicants assumes that the Notice of Informal Application intends to urge Applicants to comply with 37 CFR 1.42, which is applicable when an inventor is dead. Applicants acknowledge, and request the Office's acknowledgement, that Applicants complied with the regulations when Applicants presented the filed Declaration (Exhibit B) in accordance with 37 CFR 1.63.

With respect to 37 CFR 1.63, part (c) the filed Declaration was accompanied by an ADS, which listed, mistakenly, less than all of the inventors. Specifically, inventor Laura Ann Lewin was not included in the ADS filed for the instant application. Accordingly, Applicants transmit herewith an ADS listing all of the inventors named in the present divisional application, including inventor Robert J. Barsotti and deceased inventor Christopher Scopazzi, who executed the filed Declaration in the parent application of the instant divisional application.

If Applicants have not met all the necessary requirements to comply with 37 CFR 1.63, Applicants respectfully request a detailed statement as to any alleged deficiencies in order that Applicants may comply and have this application proceed to examination without further delay.

Further, Applicants request clarification on the time period for response so that the appropriate extension fees, if necessary, can be paid.

**CONCLUSION**

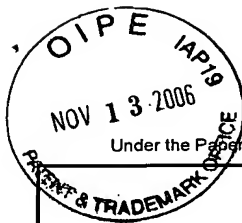
If anything further is needed, please contact Applicants' attorney using the contact information provided below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Chyrra J. Sebree".

**CHYRREA J. SEBREE**  
ATTORNEY FOR APPLICANTS  
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Dated: November 09, 2006



## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on NOVEMBER 9, 2006  
Date

Signature

LINDA J. HALLORAN

Typed or printed name of person signing Certificate

Registration Number, if applicable

302-992-3437  
Telephone Number

10/673831  
FA0820USDIV

RESPONSE TO NOTICE OF INFORMAL APPLICATION  
NEW ADS  
EXHIBIT A - NOTICE OF INFORMAL APPLICATION  
EXHIBIT B - PREVIOUS DECLARATION  
EXHIBIT C - PREVIOUS ADS SHEET  
EXHIBIT D - POSTCARD  
ONE-MONTH EXTENSION  
FEE TRANSMITTAL  
POSTCARD